

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STEWART, <i>et al.</i> ,)	CASE NO.: 5:18-CV-01317
)	
Plaintiffs,)	
)	JUDGE JOHN R. ADAMS
v.)	
)	
PAISAN LOGISTICS, LLC, <i>et al.</i> ,)	
)	<u>ORDER</u>
Defendants.)	(Resolves Docs. 79, 84)

Currently pending before this Court are various motions revolving around discovery disputes between the parties, much of which is counter to the orders put forth by this Court and the Local Rules applicable to the instant action. Specifically, on January 10, 2019, this Court put forth the Case Management Plan for the instant action. (Case Management Plan, ECF No. 21-1.) Contained within the plan is the following:

5. Discovery cutoff date: 7/31/19

Discovery shall be conducted according to the guidelines set forth in Local Rule 26.1 and according to this Case Management Plan. **Stipulations or agreements by counsel to extend deadlines will not be grounds for extending limitations set in the CMC.**

Expert Discovery: Deadline of 5/6/19 for plaintiff to produce any and all expert reports. Deadline of 7/1/19 for Defendants to respond. There will be no rebuttal reports.

(*Id.* at 1-2.) Local Rule 26.1 provides: “Absent leave of court, the parties have no authority to modify the limitations placed on discovery by court order.” Furthermore, when considering discovery disputes specifically, Local Rule 37.1(b) provides: “No discovery dispute shall be brought to the attention of the Court, and no motion to compel may be filed, more than ten (10) days after the discovery cut-off date.”

Therefore, pursuant to Local Rule 37.1(b), Plaintiffs' Motion to Compel, filed December 18, 2019, which is 140 days after the discovery cut-off date set by this Court, is DENIED. (Mot. to Compel, ECF No. 79.) Plaintiffs' Motion to Exclude, filed in the alternative to Plaintiffs' Motion to Compel, is GRANTED because the expert report at issue in the motion was issued July 31, 2019, well after the Defendants' July 1, 2019 expert report deadline. (Mot. to Exclude, ECF No. 84. *See also*, Sean Doyle Report, ECF No. 83-2.)

Notably, throughout the pendency of this action, no party filed a request to this Court to enlarge discovery deadlines. Because the parties have failed to follow the Order of this Court and the Local Rules (i.e. Local Rule 26.1: "Discovery must be conducted according to the limitations established at the Case Management Conference and confirmed in the Case Management Plan."), any discovery, expert or otherwise, conducted outside of the deadlines set by this Court will be excluded from consideration for any currently pending motions or for any future activity in this matter.

IT IS SO ORDERED.

DATE: January 3, 2020

/s/ John R. Adams
Judge John R. Adams
UNITED STATES DISTRICT COURT